

The Board of Commissioners met in regular session at 2:00 p.m. in the Commission Room at City Hall conducting the meeting by live streaming with Zoom on Wednesday, September 22, 2021 with Mayor Johnson presiding and Commissioners Moffatt and Nichol present.

Commissioner Nichol moved to approve the agenda as presented with the addition of Business Item 4K: Request for Insurance Waiver: Letter to Omega Rail Management and Item 6: Executive Session. Seconded by Commissioner Moffatt. Motion carried.

Commission and Administrator Reports were heard.

Community Development Director report was heard.

Public Comments were invited and heard.

Commissioner Moffatt moved to approve the consent agenda as presented consisting of the minutes from the September 8, 2021 Commission Meeting; minutes from the September 9, 2021 Special Call Meeting; and Appropriation (2021) 16. Seconded by Commissioner Nichol. Motion carried.

Mayor Johnson read a proclamation designating the week of October 3rd through October 9th as Fire Prevention Week 2021, which urges all citizens of the City of Neodesha to “Learn the Sounds of Fire Safety”. Thank you, Chief Woodward and members of the Neodesha EMS Department for your service to the community.

Administrator Truelove addressed the Commission regarding an Ordinance providing authority for the structures located at 1504 N 1st Street to be demolished and the property to be made safe. Discussion held.

ORDINANCE NO. 1750

AN ORDINANCE AUTHORIZING AND DIRECTING THE REMOVAL OF CERTAIN UNSAFE AND DANGEROUS STRUCTURES LOCATED ON LEGAL DESCRIPTION: *LOTS 11 THROUGH 17 AND THE SOUTH 175 FEET OF LOTS 18 AND 19 OF BLOCK 4, VIVIAN DEER'S SUBDIVISION, CITY OF NEODESHA, WILSON COUNTY, KANSAS, COMMONLY KNOWN AS 1504 N 1ST STREET, NEODESHA, KANSAS, AUTHORIZING THE FINANCING OF THE COSTS OF SUCH REMOVAL BY THE SALE OF SALVAGE FROM SUCH STRUCTURES, IF ANY, AND/OR FROM THE GENERAL FUND OF THE CITY, AND THE LEVYING OF SPECIAL ASSESSMENTS AGAINST THE LOTS ON WHICH SUCH STRUCTURE IS LOCATED.*

WHEREAS, the governing body did after proper notice and hearing as provided by law make findings by Resolution 21-23 dated August 11, 2021, that the structure hereinafter described as unsafe and dangerous and did direct the owner of such structure to repair or remove the same and make the premises safe and secure, together with the statement that if the owner failed to commence the repair or removal within the time fixed by such resolution or failed to diligently prosecute the same until the work was completed, the city would cause the structure to be razed and removed, and

WHEREAS, such resolution was published in the official city newspaper and copies of such resolution were mailed to each owner, agent, lienholder of record and occupants of such structures and were otherwise served as required by law, and

WHEREAS, the owner has wholly failed to commence the repair or removal of such structures; now therefore **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS**

Section 1: The enforcing officer is hereby authorized and directed to cause the dwelling located on legal description: *LOTS 11 THROUGH 17 AND THE SOUTH 175 FEET OF LOTS 18 AND 19 OF BLOCK 4, VIVIAN DEER'S SUBDIVISION, CITY OF NEODESHA, WILSON COUNTY, KANSAS, COMMONLY KNOWN AS 1504 N 1ST STREET, NEODESHA, KANSAS*, to be razed and removed and the premises be made safe and secure and for this purpose is authorized to invite bids, negotiate a contract, or cause the work to be done by city employees.

Section 2: The enforcing officer shall keep an account of the cost of the work and may sell the salvage from such structures and shall keep an account of the receipts therefrom as provided by law.

Section 3: All costs incurred by the city in the razing and removal of such structures and the making of the premises safe and secure shall be paid from moneys received from the sale of salvage therefrom and all moneys in excess of that necessary to pay such costs shall, after the payment of all costs, be paid to the owner of the premises upon which said structures were located: **PROVIDED**, that if there is no salvageable material or if moneys received from the sale of salvage is insufficient to pay the cost of such work, such costs or any portion thereof in excess of the amount received from the sale of salvage shall be assessed as a special assessment against the lots on which the structure was located and may be financed until the assessment is paid out of the general fund of the city.

Section 4: **EFFECTIVE DATE.** This ordinance shall be in full force and effect upon its publication in the official city newspaper.

Commissioner Moffatt moved to approve Ordinance 1750, directing the removal of certain dangerous and unsafe structures at 1504 N 1st Street. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding an Ordinance providing authority for the structures located at 1532 B Street to be demolished and the property to be made safe. Discussion held.

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ORDINANCE NO. 1751

AN ORDINANCE AUTHORIZING AND DIRECTING THE REMOVAL OF CERTAIN UNSAFE AND DANGEROUS STRUCTURES LOCATED ON LEGAL DESCRIPTION: LOTS TWELVE (12), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15), SIXTEEN (16), SEVENTEEN (17), EIGHTEEN (18), NINETEEN (19) TWENTY (20), TWENTY-ONE (21), TWENTY-TWO (22), AND TWENTY THREE (23) BLOCK ONE (1), DEER AND PARK'S SUBDIVISION, BEING A PART OF THE EAST HALF (E1/2) OF SECTION 17, TOWNSHIP 30 SOUTH, RANGE 16 EAST, COMMONLY KNOWN AS 1532 B STREET, NEODESHA, KANSAS, AUTHORIZING THE FINANCING OF THE COSTS OF SUCH REMOVAL BY THE SALE OF SALVAGE FROM SUCH STRUCTURES, IF ANY, AND/OR FROM THE GENERAL FUND OF THE CITY, AND THE LEVYING OF SPECIAL ASSESSMENTS AGAINST THE LOTS ON WHICH SUCH STRUCTURE IS LOCATED.

WHEREAS, the governing body did after proper notice and hearing as provided by law make findings by Resolution 21-24 dated August 11, 2021, that the structure hereinafter described as unsafe and dangerous and did direct the owner of such structure to repair or remove the same and make the premises safe and secure, together with the statement that if the owner failed to commence the repair or removal within the time fixed by such resolution or failed to diligently prosecute the same until the work was completed, the city would cause the structure to be razed and removed, and

WHEREAS, such resolution was published in the official city newspaper and copies of such resolution were mailed to each owner, agent, lienholder of record and occupants of such structures and were otherwise served as required by law, and

WHEREAS, the owner has wholly failed to commence the repair or removal of such structures; now therefore

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS

Section 1: The enforcing officer is hereby authorized and directed to cause the dwelling located on legal description: **LOTS TWELVE (12), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15), SIXTEEN (16), SEVENTEEN (17), EIGHTEEN (18), NINETEEN (19) TWENTY (20), TWENTY-ONE (21), TWENTY-TWO (22), AND TWENTY THREE (23) BLOCK ONE (1), DEER AND PARK'S SUBDIVISION, BEING A PART OF THE EAST HALF (E1/2) OF SECTION 17, TOWNSHIP 30 SOUTH, RANGE 16 EAST, COMMONLY KNOWN AS 1532 B STREET, NEODESHA, KANSAS, to be razed and removed and the premises be made safe and secure and for this purpose is authorized to invite bids, negotiate a contract, or cause the work to be done by city employees.**

Section 2: The enforcing officer shall keep an account of the cost of the work and may sell the salvage from such structures and shall keep an account of the receipts therefrom as provided by law.

Section 3: All costs incurred by the city in the razing and removal of such structures and the making of the premises safe and secure shall be paid from moneys received from the sale of salvage therefrom and all moneys in excess of that necessary to pay such costs shall, after the payment of all costs, be paid to the owner of the premises upon which said structures were located: **PROVIDED**, that if there is no salvageable material or if moneys received from the sale of salvage is insufficient to pay the cost of such work, such costs or any portion thereof in excess of the amount received from the sale of salvage shall be assessed as a special assessment against the lots on which the structure was located and may be financed until the assessment is paid out of the general fund of the city.

Section 4: **EFFECTIVE DATE.** This ordinance shall be in full force and effect upon its publication in the official city newspaper.

Commissioner Nichol moved to approve Ordinance 1751, directing the removal of certain dangerous and unsafe structures at 1532 B Street. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding a Resolution calling for a public hearing on November 10, 2021, to show cause why the structure located at 615 Mill Street should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure. Discussion held.

RESOLUTION NO. 21-28

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS AT WHICH TIME THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF THE STRUCTURE LOCATED AT 615 MILL STREET, LEGAL DESCRIPTION: Lots Five (5) and Six (6), Block Eighty-one (81), City of Neodesha, Wilson County, Kansas AND Commencing at a point 16 feet North and 100 feet East of both the Southwest corner of Block 81 and the Southwest corner of Lot 13, Block 81, original townsite of the City of Neodesha, thence North to the Southwest corner of Lot 5, of said Block 81, thence East 50 feet to the Southeast corner of Lot 6 of said Block 81, thence South to a point 16 feet North of the South line of said

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Lot 13 also of said Block 81 and 50 feet East of place of beginning and thence West 50 feet to place of beginning, MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS AN UNSAFE OR DANGEROUS STRUCTURE.

WHEREAS, Ed Truelove, the Enforcement Officer of the City of Neodesha, did on the 16th day of September, 2021, file with the Governing Body of said City a statement in writing that certain unoccupied structures hereinafter described are unsafe and dangerous;

NOW, THEREFORE, BE IT RESOLVED by the Governing body of the City of Neodesha that a hearing will be held on the 10th day of November, 2021, before the Governing Body of the City at 2:00 p.m. in the Commission Room of City Hall, 1407 N. 8th; at which time the owner, his agent, any lien holder of record and any occupant of the structure located at **615 Mill Street** may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure and ordered repaired or demolished.

BE IT FURTHER RESOLVED that the City Clerk shall cause this Resolution to be published two consecutive times and shall give notice of the aforesaid hearing in the manner provided by law.

Commissioner Moffatt moved to adopt Resolution 21-28 setting a public hearing for November 10, 2021 as presented. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding the status of the property located at 911 Illinois, and request the abatement process be rescinded as the damaged garage structure has been removed. Discussion held.

Commissioner Nichol moved to rescind the abatement process for 911 Illinois due to the property being brought into Code compliance. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the consideration of a zoning variance for 208 Wisconsin. This agenda item was originally tabled at the September 8, 2021 meeting for the October 27, 2021 meeting. The Governing Body was briefed on what the City's Code contains towards providing a resolution to this matter. Discussion held.

Commissioner Nichol moved to table this item until the October 13, 2021 meeting. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding an offer from SICUT North America Inc to purchase the remaining lots at the West Granby Business Park. The proposed letter of intent has been released to the City Attorney for review. Discussion held.

Commissioner Moffatt moved to approve the Letter of Intent with SICUT North America Inc, for the sale of West Granby Business Park Lots 7-10 and 13. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding a request from the Neodesha Area Chamber of Commerce that they be allowed to use the City property known as the Waterworks Amphitheatre for conducting festival activities during Thunder on the Plains, October 16, 2021. Discussion held.

Commissioner Nichol moved to approve the use of Waterworks Amphitheatre by the Neodesha Area Chamber of Commerce for Thunder on the Plains, October 16, 2021. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding an additional request by the Neodesha Area Chamber of Commerce to approve their permit for conducting a Beer Garden during Thunder on the Plains, October 16, 2021. Discussion held.

Commissioner Moffatt moved to approve a Beer Garden permit for the Neodesha Area Chamber of Commerce for Thunder on the Plains, October 16, 2021. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding a request from representatives of the 31st Judicial District to approve the use of the Civic Center for a jury trial to be conducted on May 2nd to May 6th, 2022. Discussion held.

Commissioner Nichol moved to approve the use of the Civic Center May 2nd to May 6th, 2022, for the 31st Judicial District. Seconded by Commissioner Moffatt. Motion carried.

Administrator Truelove addressed the Commission regarding the approval of a letter to Omega Rail Management requesting a waiver of the insurance requirements for the under-rail bore at the West Granby Business Park for a new sewer line. Discussion held.

Commissioner Moffatt moved to approve the letter to Omega Rail Management as presented. Seconded by Commissioner Nichol. Motion carried.

At 3:00 p.m. Commissioner Nichol requested a 10-minute recess. Seconded by Commissioner Moffatt. Motion carried. The live streamed Zoom meeting was then placed on hold with audio, video and recording paused.

At 3:10 p.m. the regular meeting of the Governing Body reconvened in the Commission Room at City Hall. The live streamed Zoom meeting then resumed with audio, video and recording. *(continued on next page)*

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Commissioner Nichol moved to recess to an Executive Session including the Governing Body, City Administrator, Interim Public Works Director Paul Ramey; and the City Clerk in the Commission Room to discuss an individual employee's performance pursuant to the non-elected personnel matter exception KSA 75-4319(b)(1) because if this matter were discussed in open session it might invade the privacy of those discussed. The open meeting will resume in the Commission Room at 3:20 p.m. Seconded by Commissioner Moffatt. Motion carried. The live streamed Zoom meeting was then placed on hold with audio, video and recording ceased.

At 3:20 p.m. the regular meeting of the Governing Body reconvened in the Commission Room at City Hall. The live streamed Zoom meeting then resumed with audio, video and recording. No action taken.

Commissioner Moffatt moved to recess to an Executive Session including the Governing Body, City Administrator, and the City Clerk in the Commission Room to discuss an individual employee's performance pursuant to the non-elected personnel matter exception KSA 75-4319(b)(1) because if this matter were discussed in open session it might invade the privacy of those discussed. The open meeting will resume in the Commission Room at 3:40 p.m. Seconded by Commissioner Nichol. Motion carried. The live streamed Zoom meeting was then placed on hold with audio, video and recording ceased.

At 3:40 p.m. the regular meeting of the Governing Body reconvened in the Commission Room at City Hall. The live streamed Zoom meeting then resumed with audio, video and recording.

Commissioner Moffatt moved to terminate Charles Skinner, Public Works Department employee, effective immediately. Seconded by Commissioner Nichol. Motion carried.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, October 13, 2021 at 2:00 p.m.

At 3:45 p.m. Commissioner Nichol moved to adjourn. Seconded by Commissioner Moffatt. Motion carried.

ATTEST:

/s/ Devin Johnson

Devin Johnson, Mayor

/s/ Stephanie Fyfe

Stephanie Fyfe, City Clerk